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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON

9 REGINO GUADALUPE, ANSELMO
10 MENDOZA GUADALUPE, REMIGIO
VEGA SALAZAR and NICOLAS VEGA
11 VIVAR,

Civil No. 05-173-AA
O R D E R

12 Plaintiffs,

13 vs.

14 IVAN CAM and HIPOLITO
LOPEZ,
15 Defendants.

16 _____
AIKEN, Judge:

17 Plaintiffs' motion for default judgment against defendant
18 Hipolito Lopez (doc. 24) is granted. Pursuant to Fed. R. Civ. P.
19 55(b), the court finds that entry of a default judgment against
20 defendant Lopez is warranted and supported by law and the facts
21 of this case. See Declaration of Mark J. Wilk in Support of
22 Plaintiffs' Motion for Default Judgment; Plaintiffs' Complaint,
23 attached as Ex. B to the Declaration, and Exs. C-M attached to
24 the Complaint.

25 Further, plaintiffs' motion for attorney fees (doc. 26) is
26 granted in the amount of \$5,625.00, and costs are awarded in the
27 amount of \$176.50. Pursuant to 29 U.S.C. § 216(b), the court
28 must, "in addition to any judgment awarded to the plaintiff or

1 plaintiffs, allow a reasonable attorney's fee to be paid by the
2 defendant, and costs of the action." An award of attorney fees
3 to prevailing plaintiffs is mandatory under the Fair Labor
4 Standards Act (FLSA). 29 U.S.C. § 216(b). While plaintiffs'
5 claims under the Migrant and Seasonal Agricultural Workers
6 Protection Act provide no basis for the recovery of attorney
7 fees, the record supports that work on those claims was
8 necessary for recovery under the FLSA, the Oregon minimum wage
9 and wage payment statutes, ORS 652.200(2), ORS 653.055(4), and
10 the Oregon Contractor Registration Act, ORS 658.453(4).
11 Plaintiffs have prevailed on all of their state law claims for
12 relief, each of which allows for the recovery of attorney fees.

13 The amount of attorney's fees requested is a reasonable sum
14 calculated by the number of hours spent on the case by
15 plaintiffs' counsel, multiplied by an appropriate hourly rate
16 (the "lodestar" amount). There is a strong presumption that the
17 lodestar amount represents a reasonable fee. Gates v.
18 Deukmejian, 987 F.2d 1392, 1397 (9th Cir. 1992). See also, Kerr
19 v. Screen Actors Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975).

20 Plaintiffs seek fees at \$225 per hour for a total of 25
21 hours of work. I find that both the hourly rate and the number
22 of hours requested are reasonable under the circumstances of this
23 case. See Declaration of Mark J. Wilk in Support of Attorney
24 Fees. Plaintiffs' request for attorney fees and costs is
25 granted.

26 CONCLUSION

27 Plaintiffs' motion for entry of default judgment (doc. 24)
28 is granted. Further, plaintiffs' motion for attorney fees and

1 costs (doc. 26) is granted as follows: plaintiffs' are awarded
2 attorney fees in the amount of \$5,625.00, and costs in the amount
3 of \$176.50.

4 IT IS SO ORDERED.

5 Dated this 15 day of December 2005.
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9 /s/ Ann Aiken
10 Ann Aiken
United States District Judge
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